Essential Cases: Public Law (3rd edn)
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R (on the application of H) v London North and East Region Mental Health Review Tribunal [2001] EWCA Civ 415, Court of Appeal

Chapter:
R (on the application of H) v London North and East Region Mental Health Review Tribunal [2001] EWCA Civ 415, Court of Appeal

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Essential Cases: Public Law provides a bridge between course textbooks and key case judgments. This case document summarizes the facts and decision in R (on the application of H) v London North and East Region Mental Health Review Tribunal [2001] EWCA Civ 415, Court of Appeal. This case concerned whether the language of ss 72–73 of the Mental Health Act 1983 could be read in such a way as to be compatible with the Human Rights Act 1998 (HRA), under s. 4 of that Act, or whether such an interpretation was not possible. In the latter case the court should consider making a declaration of incompatibility. This note explores s. 4 HRA declarations of incompatibility. The document also includes supporting commentary from author Thomas Webb

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